

Senate Bill No. 1049

CHAPTER 146

An act to add Section 31780.2 to the Government Code, relating to county employees' retirement.

[Approved by Governor August 6, 2001. Filed with
Secretary of State August 6, 2001.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1049, Speier. County employees' retirement: domestic partners: San Mateo County.

Under the existing County Employees Retirement Law of 1937, death benefits and survivor's allowances are payable to the surviving spouse or children of a deceased member, as specified.

This bill would provide that in San Mateo County, subject to the approval of the board of supervisors, death benefits and survivor's allowances may be payable to a member's surviving domestic partner, as specified.

The people of the State of California do enact as follows:

SECTION 1. Section 31780.2 is added to the Government Code, to read:

31780.2. (a) In a county of the 10th class, as defined in Sections 28020 and 28031, any benefits accorded to a spouse pursuant to this article and Article 11 (commencing with Section 31760), Article 15.5 (commencing with Section 31841), Article 15.6 (commencing with Section 31855), and Article 16 (commencing with Section 31861), or any of them, may be accorded to a domestic partner, as defined in Section 297 of the Family Code, provided that the member and the member's domestic partner have a current Affidavit of Domestic Partnership, in the form adopted by the county board of supervisors, on file with the county for at least one year prior to the member's retirement or death prior to retirement.

(b) In the event a member described in subdivision (a) has a surviving dependent child, the surviving dependent child shall receive the death and survivor's allowance until age 19 years or until married, whichever occurs earlier, or until age 22 years if attending an educational institution. When the member's surviving dependent child reaches age 19 years or is no longer a dependent, whichever occurs earlier, or reaches age 22 years if attending an educational institution, then the benefits

accorded to a spouse, as specified in subdivision (a), may be accorded to a domestic partner pursuant to this section. However, if a surviving dependent child elects to receive a lump sum payment, the lump sum payment shall be shared among any surviving dependent children and the domestic partner, pursuant to this section, in a proportional manner.

(c) This section shall not be operative unless and until the county board of supervisors, by resolution adopted by a majority vote, makes this section operative in the county.

